

Int'l Union, United Auto., Aerospace & Agric. Implement Workers of Am., 2011 WL 4014315, at *1 (W.D.N.C. June 21, 2011) (citing *Colin v. Marconi Commerce Sys. Emps. Ret. Plan*, 335 F.Supp.2d 590, 614 (M.D.N.C.2004); *Turner v. Knight*, 192 F.Supp.2d 391, 397 (D. Md. 2002)) (denying as moot the defendant's motions to dismiss because the second amended complaint rendered moot the defendants' pending motions to dismiss, which were related to the superseded complaint); *McCoy v. City of Columbia*, 2010 WL 3447476, at *1–2 (D.S.C. Aug. 31, 2010) (adopting the magistrate judge's report and recommendation to the extent it recommended that the motion to dismiss be found as moot because the amended complaint superseded the original complaint and rendered any attack upon it moot).

Here, Plaintiff filed an Amended Complaint and Walmart Defendants filed a separate and timely Motion to Dismiss (ECF No. 14), which addresses the Amended Complaint. Because the original Complaint (ECF No. 1) was superseded by Plaintiff's Amended Complaint (ECF No. 10), the court **DENIES** as **MOOT** Wal-Mart Defendants' Motion to Dismiss (ECF No. 8), which was directed at the original Complaint.

III. CONCLUSION

Based upon the foregoing, the court **DENIES** Wal-Mart Defendants' Motion to Dismiss (ECF No. 8) as **MOOT**.

IT IS SO ORDERED.



United States District Judge

May 28, 2020
Columbia, South Carolina